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09/375,901	08/17/1999	EDWARD B. KNUDSON	UV-100	5773

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NEW YORK, NY 100201104

EXAMINER

BUI, KIEU OANH T

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 01/23/2004

27

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/375,901

Applicant(s)

KNUDSON, EDWARD B.

Examiner

KIEU-OANH T BUI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-94 and 107-122 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-94 and 107-122 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- ☐ Interview Summary (PTO-413) Paper No(s). _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Remark

1. Claims 95-106 were canceled in the amendment dated 01/10/03 (paper no. 22). Pending claims are claims 29-94 and new claims 107-122.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 29-94 and 107-122 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie et al. (U.S. Patent No. 5,850,218) in view of Wugofski (U.S. Patent Application Pub 2002/0108110 A1/ or "Wugofski" hereinafter).

Regarding claim 29, LaJoie et al (or "LaJoie" hereinafter) discloses an interactive program guide that provides access to content from a plurality of available media types, i.e., program guide services is offered to users from a plurality of media types/sources such as VOD, NVOD, the Internet and other services (Fig. 5 and col. 5/lines 2-58 & col. 16/line 10 to col. 18/line 10 for more details on different media provided to the user), the interactive program guide comprising:

means for designating at least one channel as a favorite channel based on user selections, i.e, the favorite channel setting is provided to a user to select their preferred channel (Fig. 15 and col. 23/lines 1-34);

means for designating at least one or the available media types as a preferred media type, i.e., based on the look up table as shown in Fig. 5, the user can select their own preferred media type (Fig. 5 and col. 16/lines 10-28); and

means for providing a user with the ability to select at least one favorite channel from each of the preferred media types, i.e., the user uses a remote controller (as illustrated in Fig. 15/remote keys) as means for selecting at least one favorite channel from each of the preferred media type (as shown in Fig. 5).

LaJoie does not disclose in the previous step of wherein means for designating at least one or the available media types as a preferred media type for a current view session; however, Wugofski teaches in Wugofski' method and system for using a channel and event overlay for invoking channel and event related, wherein, the system allows a user/viewer to customize favorite channels by inserting or deleting different programs or channels for a current view session according to different sources of media, i.e., RF receiver 14, satellite receiver 15, digital receiver 16 and consumer electronic devices 17 and so on (Fig. 1A & 1B & 2A & 2B, and page 2, section 0021; and Fig. 5, page 3, sections 0027, 0028, 0029 & 0033 for customizing favorite channels for a current view session for a particular user depending on different sources with different channels & programs provided).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify LaJoie's interactive program guide with Wugofski' teaching technique of allowing users to customize their favorite channels for a current view session besides a default setting as an enhanced feature in a convergence system to allow the customized interaction from the user for the purpose of providing flexible and favorite channels/programs independently, and preferred media sources can be automatically and dynamically delivered to users without interruption by "surfing" through channels and programs as suggested by Wugofski (page 1, sections 0003, 0005, 0006 & 0009).

As for claim 30, in view of claim 29 above, LaJoie further discloses “wherein the means for providing the user with the ability to select at least one favorite channel from each of the preferred media types comprises: means for displaying a list of channels comprising at least one favorite channel from at least one of the preferred media types; and means for providing the user with the ability to select any favorite channel from any of the preferred media types from the list of channels”, i.e., a list of favorite channels are displayed in the display 306 (Fig. 15/item 306 and col. 23/lines 1-10) and the user uses a remote controller (as illustrated in Fig. 15/remote keys) as means for selecting at least one favorite channel from each of the preferred media type (as shown in Fig. 5).

As for claim 31, in further view of claim 30 above, LaJoie further discloses “wherein the means for providing the user with the ability to select any favorite channel further comprises moving a highlight among only favorite channel listings from any of the preferred media types”, i.e., the user uses a highlight by moving a cursor on available channels in the preferred media types (as shown in Fig. 5) in selecting any favorite channel, for example, a Disney channel is selected in this scenario (Fig. 15 and col. 23/lines 1-34).

As for claim 32, in further view of claim 29, LaJoie further discloses “wherein the means for providing the user with the ability to select at least one favorite channel from each of the preferred media types comprises: means for displaying a flip display, wherein the flip display comprises information for a favorite channel from any of the preferred media types; and means for tuning the flip display to a next favorite channel from any of the preferred media types”, i.e., LaJoie offers an additional feature for displaying the information or description of a program during the setting or adding a favorite channel into the favorite channel list in a flip display because the user can flip back to return to the TV display (as illustrated in Fig. 9 and col. 19/line 39 to col. 20/line 52).

As for claim 33, in further view of claim 29 above, LaJoie discloses “wherein the means for providing the user with the ability to select at least one favorite channel from each of the preferred media types comprises: means for displaying a browse display, wherein the browse display comprises information for a favorite channel from any of the preferred media types; and means for tuning the browse display to a next favorite channel from any of the preferred media types”, i.e., browsing display is offered with the scrolling up and down the list of available preferred channels (Fig. 15 and col. 23/lines 24-34).

As for claim 34, in further view of claim 29 above, the combination of LaJoie and Wugofski further shows “wherein the means for designating at least one of the available media types as a preferred media type for a current viewing session comprises designating a media type associated with a current channel as a preferred media type”, i.e., descriptive information or logo can be displayed to the user for a current (selected) channel as means for designating at least one of the available media types as a preferred media type (col. 16/lines 29-51) and Wugofski teaches to designate a favorite channel for a current view session can be selected from a variety of sources including video, audio, or even Internet (Fig. 5, page 2, section 0021, and page 3, section 0033).

With respect to claim 35, in further view of claim 29 above, the step of “comprising means for providing the user with the ability to store information about at least one favorite channel from each of the preferred media types in a preference profile” is taught by LaJoie as LaJoie offers to include a memory for storing information such as interactive program guide data about the at least one favorite channel (col. 13/lines 35-65).

As for claim 36, in further view of claim 29 above, LaJoie further reveals “wherein each of the plurality of the available media types is selected from a group consisting of television, video, music, audio, video-on-demand, digital audio, and games media types”, i.e, a plurality of multimedia services is offered in LaJoie’s interactive information delivery system (see col. 1/lines 5-54).

Regarding claim 37, LaJoie discloses “an interactive program guide that provides access to content from a plurality of available media types, the interactive program guide comprising: means for designating at least one channel as a favorite channel based on user selections, i.e, the favorite channel setting is provided to a user to select their preferred channel (Fig. 15 and col. 23/lines 1-34); means for designating at least one of the available media types as a preferred media type, i.e., based on the look up table as shown in Fig. 5, the user can select their own preferred media type (Fig. 5 and col. 16/line 10 to col. 18/line 10 for more details on different media types provided to the user); and means for displaying to a user a single favorite channel listing from each of the preferred media types, wherein each favorite channel listing is selectable by the user”, i.e., the user uses a remote controller (as illustrated in Fig. 15/remote keys) as means for selecting at least one favorite channel from each of the preferred media type (as shown in Fig. 5) from a single favorite channel listing, LaJoie uses tables to cross reference channel numbers to sources of programs and services in order to allow channel settings more easily such as for favorite channels based on their media types (see col. 5/lines 22-53).

LaJoie does not disclose in the previous step of wherein means for designating at least one or the available media types as a preferred media type for a current view session; however, Wugofski teaches in Wugofski’ method and system for using a channel and event overlay for invoking channel and event related, wherein, the system allows a user/viewer to customize favorite channels by inserting or deleting different programs or channels according to different sources of media, i.e., RF receiver 14, satellite receiver 15, digital receiver 16 and consumer

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electronic devices 17 and so on (Fig. 1A & 1B & 2A & 2B, and page 2, section 0021; and Fig. 5, page 3, sections 0027, 0028, 0029 & 0033 for customizing favorite channels for a current view session for a particular user depending on different sources with different channels & programs provided). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify LaJoie's interactive program guide with Wugofski's teaching technique of allowing users to customize their favorite channels for a current view session besides a default setting as an enhanced feature in a convergence system to allow the customized interaction from the user for the purpose of providing flexible and favorite channels/programs independently, and preferred media sources can be automatically and dynamically delivered to users without interruption by "surfing" through channels and programs as suggested by Wugofski (page 1, sections 0003, 0005, 0006 & 0009).

Regarding claims 38-44, these system claims with same limitations of system claims 30-36 are rejected for the reasons given in the same scope of claims 30-36 as already disclosed above.

Regarding claims 45-52, these method claims for "a method for providing access to content from a plurality of media types with an interactive program guide comprising: designating at least one channel as a favorite channel based on user selections; designating at least one of the available media types as a preferred media type for a current view session independently from designating a favorite channel; and providing a user with the ability to select at least one favorite channel from each of the preferred media types" drawing to corresponding system claims 29-36 are rejected for the reasons given in the scope of system claims 29-36 as already disclosed above.

Regarding claims 53-60, these method claims for “a method for providing access to content from a plurality of media types with an interactive program guide comprising: designating at least one channel as a favorite channel based on user selections; designating at least one of the available media types as a preferred media type for a current viewing session independently from designating a favorite channel; and displaying to a user a single favorite channel listing from each of the preferred media types, wherein each favorite channel listing is selectable by the user” drawing to corresponding system claims 37-44 are rejected for the reasons given in the scope of system claims 37-44 as already disclosed above.

Regarding claim 61, LaJoie discloses a system for providing access to content from a plurality of available media types (Figs. 1 & 5, and col. 1/lines 5-54), the system comprising: a user input device configured to accept user selections (Fig. 15/Remote keys for accepting user selections); and computer equipment, i.e., a set-top terminal with its computer software (col. 4/line 66 to col. 5/line 57), configured to: designate at least one channel as a favorite channel, i.e., the favorite channel setting is provided to a user to select their preferred channel (Fig. 15 and col. 23/lines 1-34); designate at least one of the available media types as a preferred media type based on user selections, i.e., based on the look up table as shown in Fig. 5, the user can select their own preferred media type (Fig. 5 and col. 16/lines 10-28); and provide a user with the ability to select at least one favorite channel from each of the preferred media types, i.e., the user uses a remote controller (as illustrated in Fig. 15/remote keys) as means for selecting at least one favorite channel from each of the preferred media type (as shown in Fig. 5).

LaJoie does not disclose in the previous step of wherein means for designating at least one or the available media types as a preferred media type for a current view session; however, Wugofski teaches in Wugofski’ method and system for using a channel and event overlay for invoking channel and event related, wherein, the system allows a user/viewer to customize

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favorite channels by inserting or deleting different programs or channels according to different sources of media, i.e., RF receiver 14, satellite receiver 15, digital receiver 16 and consumer electronic devices 17 and so on (Fig. 1A & 1B & 2A & 2B, and page 2, section 0021; and Fig. 5, page 3, sections 0027, 0028, 0029 & 0033 for customizing favorite channels for a current view session for a particular user depending on different sources with different channels & programs provided). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify LaJoie's interactive program guide with Wugofski' teaching technique of allowing users to customize their favorite channels for a current view session besides a default setting as an enhanced feature in a convergence system to allow the customized interaction from the user for the purpose of providing flexible and favorite channels/programs independently, and preferred media sources can be automatically and dynamically delivered to users without interruption by "surfing" through channels and programs as suggested by Wugofski (page 1, sections 0003, 0005, 0006 & 0009).

Regarding claims 62-68, these system claims with same limitations of system claims 30-36 are rejected for the reasons given in the same scope of claims 30-36 as already disclosed above.

Regarding claim 69, LaJoie discloses a system that provides access to content from a plurality of available media types (Figs. 1 & 5, and col. 1/lines 5-54), the system comprising: a user input device configured to accept user selections (Fig. 15/Remote keys for accepting user selections); and user equipment, i.e., a set-top terminal with its computer software (col. 4/line 66 to col. 5/line 57), configured to: designate at least one channel as a favorite channel based on user selections, i.e, the favorite channel setting is provided to a user to select their preferred

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channel (Fig. 15 and col. 23/lines 1-34); designate at least one of the available media types as a preferred media type, i.e., based on the look up table as shown in Fig. 5, the user can select their own preferred media type (Fig. 5 and col. 16/lines 10-28); and display to a user a single favorite channel listing from each of the preferred media types, wherein each favorite channel listing is selectable by the user, i.e., the user uses a remote controller (as illustrated in Fig. 15/remote keys) as means for selecting at least one favorite channel from each of the preferred media type (as shown in Fig. 5) from a single favorite channel listing, LaJoie uses tables to cross reference channel numbers to sources of programs and services in order to allow channel settings more easily such as for favorite channels based on their media types (see col. 5/lines 22-53).

LaJoie does not disclose in the previous step of wherein means for designating at least one or the available media types as a preferred media type for a current view session; however, Wugofski teaches in Wugofski' method and system for using a channel and event overlay for invoking channel and event related, wherein, the system allows a user/viewer to customize favorite channels by inserting or deleting different programs or channels according to different sources of media, i.e., RF receiver 14, satellite receiver 15, digital receiver 16 and consumer electronic devices 17 and so on (Fig. 1A & 1B & 2A & 2B, and page 2, section 0021; and Fig. 5, page 3, sections 0027, 0028, 0029 & 0033 for customizing favorite channels for a current view session for a particular user depending on different sources with different channels & programs provided).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify LaJoie's interactive program guide with Wugofski' teaching technique of allowing users to customize their favorite channels for a current view session

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besides a default setting as an enhanced feature in a convergence system to allow the customized interaction from the user for the purpose of providing flexible and favorite channels/programs independently, and preferred media sources can be automatically and dynamically delivered to users without interruption by “surfing” through channels and programs as suggested by Wugofski (page 1, sections 0003, 0005, 0006 & 0009).

Regarding claims 70-76, 77-94, and 107-122 these system claims with same limitations of system claims 30-36 are rejected for the reasons given in the same scope of claims 30-36 and 29-44, respectively, with whether a preferred media type has not been designated, all selected favorite channels are displayed (as in default setting) and a preferred media type has been designated, the system only displays the favorite and selected programs/channels to users for different programs or channels from different analog and digital sources (see claim 1 and Wugofski) as already disclosed above.

As for claims 107-122, these claims with same limitations for a machine readable media for providing access to content from a plurality of available media types are rejected for the reasons given in the scope of claims 45-60 as disclosed above.

Response to Arguments

4. Applicant's arguments filed on 9/2/03 have been fully considered but they are not persuasive. Applicants basically argues that LaJoie does not show or suggest that the user uses the look up table of Figure 5 to designate a preferred media type (and this is a foundation for everything else to base upon). This is a misconception of LaJoie and incorrectly interpreting the detailed and step-by-step explanation from the Examiner. The user of LaJoie's system does not

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have to use that look up table for searching or selecting different media types, such as NVOD, VOD, on-line services, WWW browsing service, E-mail service and other service (LaJoie, col. 4/line 66 to col. 5/line 58; and col. 16, lines 10-28). Eventually, the set top box does this function, not the user, and the user simply have to control or select an appropriate or interested channel using his/her remote controller for giving control signals to control that set top box, which is a too well-known technique used in a conventional electronic program guide system (EPG), and it's also being disclosed by LaJoie (col. 17/lines 30-57 & col. 19/line 39 to col. 20/line 36 for user setting up various features using a remote control for providing user inputs to cursors on the menu of the graphical user interface). The fact that LaJoie does not have a figure to illustrate this selection process from different media types (i.e., like Figs. 4 & 5 of the present application) does not mean that LaJoie does not teach or suggest this same technique as clearly pointed out by the Examiner throughout the Office Action. Therefore, the Examiner disagrees with the Applicants' arguments and stands with the teaching of LaJoie and Wugofski.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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6. **Any response to this action should be mailed to:**
Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

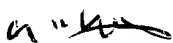
(703) 872-9306, (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park IV, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (703) 305-0095. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:00 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.


VICTOR R. KOSTAK
PRIMARY EXAMINER

Krista Bui
Art Unit 2611
January 14, 2004